

From: herb@aoainc.com@inetgw
To: Microsoft ATR
Date: 1/23/02 12:23pm
Subject: Microsoft Settlement

To: The United States Department of Justice
Re: The Microsoft Settlement

Greetings,

As a software professional, it has been with a profound sense of relief that I have watched the U.S. Government discover what we in the computer business have known for years: Microsoft is an illegal monopoly with the power to destroy competitors at a whim.

While the proposed settlement shows a broad understanding of the problem, I believe that it does not go far enough to protect consumers, and nowhere near far enough to ensure that developers can produce products which can reasonably expect to succeed on their own merits without encountering legal entanglements.

In particular, consider the following points:

- Microsoft holds a VERY large number of patents, but they have not been compelled to reveal what patents protect the Windows Application Programming Interfaces (APIs). Without this knowledge, programmers such as myself can create what we believe are original and innovative applications, only to have Microsoft pull out an obscure patent and crush our honest efforts.
- The proposed settlement requires Microsoft to release the specifications for its APIs, but then prohibits developers from using this information to give other operating systems the ability run Windows applications and give us all a choice!
- Microsoft uses restrictive licensing terms and intentional incompatibilities to reduce or eliminate the ability of developers to produce compatible applications for both Windows and operating systems which could otherwise be made compatible with the large number of existing Windows applications.

The settlement with Microsoft is an historic opportunity to free computer users and developers around the world from the shackles that Microsoft has spent millions of dollars of monopoly profits fitting us with. Please give the settlement the power to make a difference, and speak to the future of computing, which could be very bright indeed.

Sincerely,

Herb DaSilva
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